

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 17, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:	3
ATTENDANCE DURING THE MEETING:	3
ITEM-1: ROLL CALL	4
ITEM-10: INVOCATION	4
ITEM-20: PLEDGE OF ALLEGIANCE	4
ITEM-30: Code Enforcement Week.	4
ITEM-31: Rideshare Week 2001.	5
ITEM-32: A Resolution of Support regarding the Current National Crisis.	6
NON-AGENDA COMMENT:	6
COUNCIL COMMENT:	7
CITY MANAGER’S COMMENT:	7
* ITEM-100: <u>Two</u> actions related to Otay Mesa - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).	8
* ITEM-101: Appointment of Mr. Richard Vortmann and Mr. Ray Garnica to the San Diego City Employees’ Retirement System Board of Trustees.	9
ITEM-102: Tony Gwynn Week.	10
* ITEM-103: Amendment to the Retention Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps, LLP, for Litigation Services Related to the Ballpark and Redevelopment Project.	11

Minutes of Monday, September 17, 2001
Table of Contents (Continued)

Page 2

* ITEM-104: Amendment to Consultant Services Agreement Regarding the Ballpark and Redevelopment Project, with Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC.	12
* ITEM-105: First Amendment to Agreement for Ballpark Disclosure Counsel Services and Litigation Review Services.	13
ITEM-200: Spring Canyon Water Easement/Easement Quitclaim.	14
ITEM-201: Extension of Memorandum of Understanding Regarding the Ballpark and Redevelopment Project.	15
ITEM-250: SUBMISSION OF BALLOT PROPOSALS	17
*ITEM-S400: <u>Two</u> actions related to the Final Subdivision Map of Remington Hills Unit No. 2.	18
NON-DOCKET ITEMS:	20
ADJOURNMENT:	20

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:08 p.m. The meeting was recessed by Mayor Murphy at 3:35 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:40 p.m. with all members present. Mayor Murphy recessed the meeting at 4:05 p.m. to convene as the Redevelopment Agency and thereafter adjourned the meeting at 4:10 p.m. until Tuesday, September 18, 2001 at 9:00 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters- present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Reverend Margo McKenna of Chalice Unitarian Universalist Congregation of Poway.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

ITEM-30: Code Enforcement Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-372) ADOPTED AS RESOLUTION R-295451

Recognizing the accomplishments and proactive involvement of all code enforcement personnel, volunteers and community groups;

Proclaiming the week of September 24 through September 28, 2001 to be "Code Enforcement Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Rideshare Week 2001.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-373) ADOPTED AS RESOLUTION R-295452

Proclaiming September 17-21, 2001, to be "Rideshare Week 2001 Day" in San Diego and encouraging local businesses and employees to seek creative transportation methods to help reduce rush hour traffic congestion on our local streets and freeways.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: A Resolution of Support regarding the Current National Crisis.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-402) ADOPTED AS RESOLUTION R-295453

A resolution of support regarding the current national crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-B151).

MOTION BY INZUNZA ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell read an editorial by Leonard Ketz regarding the World Trade Center and Pentagon attacks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A207-255.)

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, September 17, 2001**

Page 7

PUBLIC COMMENT-2:

Janet Johnston commented regarding the Otay Mesa Nestor Community activities and proper notification by City Staff of meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A256-315.)

PUBLIC COMMENT-3:

Glenn MacNary commented regarding graffiti control in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A316-332.)

PUBLIC COMMENT-4:

Ken Loch commented regarding the purpose of athletics and how we entertain ourselves.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A333-378.)

COUNCIL COMMENT:

None.

CITY MANAGER'S COMMENT:

None.

- * ITEM-100: Two actions related to Otay Mesa - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Reports CMR-01-179 and CMR-01-154; P. Lamont Ewell's memo dated 8/1/01; Public Facilities Financing Plan and FBA, Fiscal Year 2002, July 2001 Draft. Otay Mesa Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-304) ADOPTED AS RESOLUTION R-295454

Approving the document entitled "Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2002, July 2001."

Subitem-B: (R-2002-305) ADOPTED AS RESOLUTION R-295455

Resolution of Intention to designate an area of benefit in Otay Mesa and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/01/01, LU&H voted 3-0 to approve the Otay Mesa Public Facilities Financing Plan Fiscal Year 2002, July 2001; the Resolution of Intention for Designation of an area of benefit in Otay Mesa; the Resolution of Designation; Development Impact Fees for development in Otay Mesa that has not paid a Facilities Benefit Assessment or not agreed otherwise to pay a Facilities Benefit Assessment. (Councilmembers Wear, Atkins and Stevens voted yea. Councilmembers Peters and Maienschein not present.)

FILE LOCATION: Subitems A,B: STRT-FB-6-02 (33)

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, September 17, 2001**

Page 9

- * ITEM-101: Appointment of Mr. Richard Vortmann and Mr. Ray Garnica to the San Diego City Employees' Retirement System Board of Trustees.

(See memorandum from Mayor Murphy dated 8/16/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-361) ADOPTED AS RESOLUTION R-295456

Nominating for election to the City Employees' Retirement System Board of Administration the following persons:

NOMINEE

Richard H. Vortmann
Ray Garnica

NOMINATED BY

Mayor Murphy
Mayor Murphy

Declaring that after full and complete public discussion and deliberation, Richard H. Vortmann, is hereby appointed to serve as a member of the City Employees' Retirement System Board of Administration, for a term ending December 7, 2002, to replace Robert J. Scannell, who has resigned;

Declaring that after full and complete public discussion and deliberation, Ray Garnica, is hereby appointed to serve as a member of the City Employees' Retirement System Board of Administration, for a term ending December 7, 2004, to replace Paul Barnett, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Tony Gwynn Week.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-376) CONTINUED TO MONDAY, SEPTEMBER 24, 2001

Commending Tony Gwynn for the accomplishments, talent and contributions he brings to the City of San Diego;

Proclaiming September 22 through September 29, 2001 to be "Tony Gwynn Week" in the City of San Diego.

SUPPORTING INFORMATION:

Tony Gwynn marks his 20th season as Number 19 of the San Diego Padres. He has been an admired and dynamic member of the San Diego community. His highlights of accomplishments include the following: Tony is marked as one of the greatest hitters in baseball history with a total of 3,124 hits, a 15-time All-Star, and stands 16th on the list; the winner of the record-tying eight National League Batting Championship; the Padres Career Leader in nearly every offensive category, with a .338 average in each of the 18 consecutive seasons, the longest streak in National League history; a recipient of several awards, including the 1999 Roberto Clemente Award which recognizes the player with the best sportsmanship and community involvement; a recipient of the 1995 Branch Ricky Award, as the top community activist in Major League Baseball and inducted into the World Sports Humanitarian Hall of Fame in Boise, Idaho.

Tony will retire at the conclusion of the 2001 season where he leaves a legacy of loyalty and longevity. He will go down in history as one of the greatest hitters to ever play Major League Baseball. Therefore, proclaiming September 22-29, 2001 to be "Tony Gwynn Week," in the City of San Diego.

Balolong

FILE LOCATION: None

COUNCIL ACTION: (Tape location: B382-627).

MOTION BY MAIENSCHIN TO CONTINUE TO MONDAY, SEPTEMBER 24, 2001 FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-103: Amendment to the Retention Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps, LLP, for Litigation Services Related to the Ballpark and Redevelopment Project.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-365) ADOPTED AS RESOLUTION R-295457

Authorizing an amendment to the Retainer Agreement with Luce, Forward, Hamilton & Scripps, LLP, for legal services concerning the Ballpark and Redevelopment Project, increasing the authorized amount for the agreement by \$250,000;

Authorizing the expenditure of an amount not to exceed \$250,000 from Fund 81140, Dept. 81140, Object Account 4141, Job Order 081140 for the project.

SUPPORTING INFORMATION:

The City previously entered into an agreement with the law firm of Luce, Forward, Hamilton & Scripps, LLP, for certain litigation services related to the Ballpark and Redevelopment Project. The original authorization was for \$75,000, which was subsequently increased to \$225,000. It is presently anticipated that expenditures will approach \$475,000 necessitating an additional \$250,000 related to concluding litigation related to the Ballpark Project.

Herring/Girard/JS

Aud. Cert. 2200242.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-104: Amendment to Consultant Services Agreement Regarding the Ballpark and Redevelopment Project, with Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-364) ADOPTED AS RESOLUTION R-295458

Authorizing an amendment to the Retainer Agreement with Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, for consulting services concerning the Ballpark and Redevelopment Project, increasing the authorized amount for the agreement by \$150,000;

Authorizing the expenditure of an amount not to exceed \$150,000 from Fund 102214, Dept. 102214, Org. No. 200, Object Account 4141, Job Order 000203, for the project.

SUPPORTING INFORMATION:

This action will amend the existing Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, agreement for outside consultant services to assist the City Attorney and City Manager regarding the Ballpark and Redevelopment Project by \$150,000 for a total agreement of \$942,000. Additional services from this firm is necessary and appropriate because issues concerning the implementation of the Ballpark and Redevelopment Project have arisen due to the inordinate delay associated with the Project. Participation from the City's negotiating team is necessary to resolve these issues and successfully implement the Project.

Herring/Girard/JS

Aud. Cert. 2200241.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: First Amendment to Agreement for Ballpark Disclosure Counsel Services and Litigation Review Services.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-371 Cor. Copy 9/13/2001) ADOPTED AS RESOLUTION R-295459

Authorizing the City Manager to execute a First Amendment to the Agreement with Orrick, Herrington, & Sutcliffe, for Ballpark Disclosure Counsel and Litigation Review Services in an amount not to exceed \$150,000 to be expended from the Major Facilities Ballpark Fund (102214), and an amount not to exceed \$100,000 for an analysis of Ballpark related litigation to be paid from bond proceeds.

SUPPORTING INFORMATION:

Orrick currently is acting as Bond and Disclosure Counsel in the proposed financing for the Ballpark and Downtown Redevelopment Project. Due to the numerous lawsuits that have been initiated on the project, the City engaged Orrick to review the litigation and its impact on the bond financing. Pursuant to an Agreement for Disclosure Counsel and Litigation Review Services between the City and Orrick (Document No. R-293412), these services have already been undertaken by Orrick. Other services are ongoing as the City proceeds with the various lawsuits filed pertaining to the Ballpark and Downtown Redevelopment Project. Because additional lawsuits and appeals have been filed and Orrick's services are needed to review such

litigation, an amendment to the Agreement is needed to increase Orrick's compensation for litigation review services by an additional \$150,000. An additional \$100,000 is also being added to the contract in the event that an analysis of the litigation is necessary for inclusion in the preliminary and final official statements for the bond financing. Payment for this additional \$100,000 is contingent upon the bonds being sold. This amendment bring the total amount to \$700,000 to be expended under this agreement for legal services.

Frazier/Devaney/KS

Aud. Cert. 2200258.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

ITEM-200: Spring Canyon Water Easement/Easement Quitclaim.

(Continued from the meeting of 5/29/2001, Item 102, and the meeting of 7/16/2001, Item 203, at the request of Councilmember Maienschein, for further review.)

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1479) RETURNED TO THE CITY MANAGER

Authorizing the acceptance of an Easement Deed from the U.S. Navy, executed in favor of the City of San Diego, conveying to the City an easement over, under, upon, along and across its real property for water line purposes;

Authorizing the City Manager to execute a Quitclaim Deed, quitclaiming to the United States of America (U.S. Navy), all the City's right, title and interest in an old road easement.

CITY MANAGER SUPPORTING INFORMATION:

In 1995 the City approved a Rezone, Planned Residential Development (PRD) Permit, Tentative Map (TM) and Resource Protection Ordinance (RPO) Permit for a 69-unit single-family residential development known as Spring Canyon at Scripps Miramar Ranch. The Spring Canyon Project required a water line easement across United States of America (U.S. Navy) property for a 12 inch looped pipeline as an off-site requirement for this development. As a part of this action, the City will quitclaim a road easement to the United States of America (U.S. Navy), which is located on their military base and no longer meets any City or public needs. The acceptance of the Easement Deed and execution of the Quitclaim Deed are subsequent actions to satisfy conditions of the previously approved project.

FISCAL IMPACT:

None.

Herring/Griffith/RAG

FILE LOCATION: DEED F-8066

COUNCIL ACTION: (Tape location: B152-164).

MOTION BY MAIENSCHIN TO RETURN TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Extension of Memorandum of Understanding Regarding the Ballpark and Redevelopment Project.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-383) ADOPTED AS RESOLUTION R-295460

Authorizing the City Manager to execute the Third Supplement to the Ballpark and Redevelopment Project Implementation Agreement, extending the Memorandum of Understanding for a sufficient time to allow the City to obtain its financing of choice for the Project; authorizing the City Manager to take such actions as may be necessary or appropriate to implement the intent and purposes of this resolution, consistent with the rights and obligations of the City pursuant to Ordinance O-18613 and the Memorandum of Understanding.

SUPPORTING INFORMATION:

The Memorandum of Understanding regarding the Ballpark and Redevelopment Project (MOU) was approved by the electorate on November 3, 1998. The MOU is currently set to expire by September 30, 2001, unless further extended by agreement of the parties. The MOU was originally set to expire on March 31, 2000, unless extended by agreement of the parties. The parties agreed to extend the MOU until September 30, 2000, further until March 31, 2001, and further until September 30, 2001, due to the inability of the City to obtain its permanent financing to fund its investment in the Project. The City will be unable to obtain its financing by September 30, 2001, and it is necessary to further extend the MOU. It is recommended that the extension be sufficient to permit the City to obtain its permanent financing. City staff is still assessing the necessary length of the extension, and will have a recommendation for the City Council, however, it is anticipated that the extension will be between 30 and 60 days.

Herring/Girard

NOTE: See the Special Redevelopment Agency Agenda of September 17, 2001 for a companion item.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: C009-358).

MOTION BY INZUNZA TO ADOPT AND AUTHORIZE THE CITY MANAGER TO AGREE TO AN EXTENSION OF THE M.O.U. TO INCLUDE THE OCTOBER 31, 2001 DATE; AND TO FURTHER ACKNOWLEDGE THE DILIGENCE WITH WHICH CITY STAFF HAS UNDERTAKEN THE PREPARATION OF THE PRELIMINARY OFFICIAL STATEMENT FOR THE CITY'S BONDS AND REQUEST THAT THEY CONTINUE TO WORK DILIGENTLY TO PUT THIS COUNCIL IN A POSITION TO CONSIDER APPROVAL OF THE P.O.S. AND SECURE FINANCING BY OCTOBER. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, September 17, 2001**

Page 18

Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

*ITEM-S400: Two actions related to the Final Subdivision Map of Remington Hills Unit No. 2.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-363) ADOPTED AS RESOLUTION R-295461

Authorizing a Subdivision Improvement Agreement with TMP Remington LLC for the installation and completion of public improvements.

Subitem-B: (R-2002-362) ADOPTED AS RESOLUTION R-295462

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of an 8.196 acre site into 43 lots for residential development and Lot "A" for open space purposes. It is located north of Otay Mesa Road, east of Masterson Lane in the Otay Mesa Community Plan area. On July 18, 1995 the Council of the City of San Diego approved City Council Resolution Nos. R-286126 and R-286127 for Remington Hills. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 28338-1-D through 28338-9-D, filed in the Office of the City Clerk under Micro Number 140.97. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$522,309 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$10,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan, which provides for the payment of a Facilities Benefit Assessment (FBA), including parks, at the time of building permit issuance. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

The Subdivider has entered into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. This is part of a larger project. This portion of the project with 43 single-family lots is estimated to generate 430 average daily trips (ADT). The total estimated impact fee payment for the portion of Remington Hills is \$1,179,256 under FY 2001 rates. The Remington Hills project is responsible for construction of roadway widening and improvements on Otay Mesa Road from the easterly project boundary to Beyer Boulevard. The Project will also pay fair-share for traffic control at the intersection of SR-95/Otay Mesa Road and fair-share toward installation of traffic signal at Beyer Boulevard/East Beyer Boulevard.

FISCAL IMPACT:

None.

Loveland/Haase/GB

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, September 17, 2001**

Page 20

FILE LOCATION: Subitems A,B: SUBD-Remington Hills Unit No. 2. (40)

COUNCIL ACTION: (Tape location: B165-184).

CONSENT MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:10 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C365-366).